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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,863	07/13/2001	Kai Sjoblom	P 281544 2990051US/HS/HER	9638
909 7590 12/26/2006 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER LEE, ANDREW CHUNG CHEUNG	
			ART UNIT	PAPER NUMBER
			2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/26/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/903,863

Applicant(s)

SJOBLOM, KAI

Examiner

Andrew C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-13 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 4-6, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9, 10, 11, 17, 21, 22, 2, 12, 3, 13, 7, 16, 18, 19, 8, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al. (U.S. 5856972) in view of Balcerowski et al. (U.S. 6101545).

Regarding claims 1, 9, 10, 11, 17, 21, 22, Riley et al. disclose the limitation of a method, system and network node in a telecommunications system (Fig. 1 as system, Fig. 2 as system and network nodes) where a sending entity (recited "sender" as sending entity, column 5, lines 9 - 15) may send units (recited "message" as send units, column 5, lines 9 - 15) to a first receiving entity (recited "receiver" as receiving entity, column 5, lines 9 - 15), the method system and network node comprising the steps of: sending a unit to the first receiving entity (recited "the sender transmits a message, the receiver receives the message" as sending a unit to the first receiving entity; column 5, lines 9 - 10); receiving no response from said first receiving entity (recited "the receiver transmit an acknowledgment, however, the acknowledgment is lost" as receiving no response, column 5, lines 29 - 30); Riley et al. do not disclose expressly indicating a possible duplication of said unit when resending it, the possible duplication showing that said unit was resent because no response was received. Balcerowski et al. disclose the

limitation of indicating a possible duplication of said unit when resending it, the possible duplication showing that said unit was resent because no response was received (recited "sequence numbers allow detection of duplicate messages" as indicating a possible duplication of said unit, "the message was received but the acknowledgment was lost, re-sending the message would result in a duplicate message" as duplication showing that said unit was resent because no response was received, column 7, lines 41 – 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Riley et al. to include indicating a possible duplication of said unit when resending it, the possible duplication showing that said unit was resent because no response was received such as that taught by Balcerowski et al. in order to provide protocols used in delivering messages over a network (as suggested by Balcerowski et al., column 1, lines 7 – 8).

Regarding claims 2, 12, Riley et al. disclose the limitation of the method of claim further comprising the step of also indicating the sending entity (recited "sender" as sending entity, column 5, lines 9 - 15) when indicating said possible duplication (recited "the duplicate address table is accessed using the address table index to determine whether a duplicate address exists. If a duplicate address does exist, the transaction id index of the first address table entry that includes the duplicate address" as indicating said possible duplication, column 8, lines 29 – 36).

Regarding claims 3, 13, Riley et al. disclose the limitation of the method of claim wherein the possible duplicate is indicated in the unit when resending said unit to the second receiving entity (recited "including information pertaining to how many duplicate

messages should be sent” as possible duplicate I indicated, Fig. 2, element 262 connection 2; column 6, lines 43 – 50).

Regarding claims 7, 16, 18, 19, Riley et al. disclose the limitation of the method of claimed further comprising the steps of: receiving said unit in its end system (recited “receiver nodes for receiving messages” as receiving said unit, Fig. 7, column 9, lines 39 – 43); checking only in response to said indication whether the unit is a duplicate (column 9, lines 62 – 67, column 10, lines 1 – 6).

Regarding claim 8, Riley et al. disclose the limitation of the method of claimed further comprising the step of indicating the possible duplication by adding said indication to the unit before resending it (recited “transaction record table allows the receiver node to more accurately identify duplicate messages” as step indicating the possible duplication, column 9, lines 8 – 11; column 10, lines 9 – 20).

Regarding claim 20, Riley et al. disclose the limitation of the network node of claimed being further arranged to have a priority list of entities to which it may send units and to send the unit to the entity having the next lowest priority (recited “transaction id table including priority table and non-priority table” as a priority list of entities to which it may send units, column 7, lines 40 – 48; column 8, lines 48 – 51).

Allowable Subject Matter

3. Claims 4, 5, 6, 14, 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 10/25/2006 with respect to claims 1 – 22 have been fully considered but they are not persuasive.

Applicant argues the cited prior art references (Riley et al. (US 5856972), Balcerowski et al. (6101545)) fails to disclose, teach or suggest the claimed method (independent claims 1, 9, and 10), transmission system (independent claim 11) and network node (independent claims 17, 21 and 22), where in a possible duplication of a unit is indicated when resending it, the possible duplicate showing that the unit was resent because no response was received. Examiner contends that the cited prior art references (Riley et al. (US 5856972), Balcerowski et al. (6101545)) disclose, teach or suggest implicitly and explicitly the claimed method (independent claims 1, 9, and 10), transmission system (independent claim 11) and network node (independent claims 17, 21 and 22), where in a possible duplication of a unit is indicated when resending it, the possible duplicate showing that the unit was resent because no response was received (see Riley et al. (US 5856972), Figure 1 as system, Figure 2 as nodes, Figure 3 as method; column 1, lines 25 – 28; column 11, lines 1 – 9; see also Balcerowski et al. (6101545), Fig. 1, element 30 or 94 as system, and as nodes, the signal flow in the figure indicating as method, column 7, lines 39 – 53).

As acknowledge in applicant's remarks on page 2, lines 7 – 13, the messages are resent based on any of the 3 conditions including "the acknowledgement was lost", and the sequence number allow detection of duplicate message, therefore this as a

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whole would indicate to the receiving side the message is resent because the acknowledge was not received at the transmission side.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ghirnikar et al. (US 6381241) disclose a method and apparatus for detecting duplicate messages and correcting garbled messages in a wireless communication device are provided.
- Olson (US 5245616) discloses plurality of message packets are individually acknowledged in a communications network. The acknowledgement includes multiple types of status information including ACK, NAK and BUSY.
- Cannon (US 5384565) discloses a method and apparatus are shown for determining whether first and second data messages in a communication system are duplicates.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ACL/

Dec 20, 2006


WING CHAN
SUPERVISORY PATENT EXAMINER